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15 Attorneys for Plaintiff  
16 BORIS Y. LEVITT

17 UNITED STATES DISTRICT COURT  
18 NORTHERN DISTRICT OF CALIFORNIA

19 BORIS Y. LEVITT, on behalf of himself and all  
20 others similarly situated,

21 Plaintiffs,

22 v.

23 YELP! INC.; and DOES 1 through 100, inclusive,

24 Defendants.

Case No. CV 10-01321 MHP

**DECLARATION OF LAWRENCE D. MURRAY IN SUPPORT OF PLAINTIFF LEVITT'S MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF ITS OPPOSITION TO CATS AND DOGS CROSS-MOTION FOR:**

**(A1) DESIGNATION OF *CATS AND DOGS* AS LEAD ACTION AND STAY OF LEVITT ACTION, OR IN THE ALTERNATIVE, (A2) CONSOLIDATION OF THE ACTIONS, DEEMING *CATS AND DOGS* FIRST AMENDED COMPLAINT AS THE OPERATIVE PLEADING; AND**

**(B) APPOINTMENT OF THE WESTON FIRM AND BECK & LEE AS INTERIM CLASS COUNSEL**

1 I, Lawrence D. Murray, declare as follows:

2 1. I am the sole proprietor of the law firm of Murray & Associates, attorneys of  
3 record for Plaintiff Boris Y. Levitt. I am admitted to practice law in the State of California. I  
4 have personal knowledge of the matters set forth herein and if called to do so, I could and would  
5 testify competently under oath.

6 2. In early January 2010, Boris Levitt first contacted my law firm regarding his  
7 experiences with Yelp and the possibility of filing a lawsuit.

8 3. On or around January 15, 2010, I met with Boris Levitt to discuss his experiences  
9 with Yelp and the possibility of filing a lawsuit. Thereafter, I began investigating Mr. Levitt's  
10 allegations against Yelp. I spent hours reviewing Mr. Levitt's saved emails, blogs, and  
11 experiences from other users to determine if other business owners shared the same experience.

12 4. In February 2010, my law firm and Ongaro Burt LLP began jointly investigating  
13 Mr. Levitt's claims against Yelp and drafting a complaint against Yelp.

14 5. On February 23, 2010, I organized a meeting for other business owners that had  
15 contacted Mr. Levitt and or my office regarding their concerns about Yelp.

16 6. On March 12, 2010, I filed a complaint in the San Francisco Superior Court  
17 alleging various causes of action without reference to or knowledge of claims by any of the  
18 plaintiffs in any other action.

19 7. On or around June 25, 2010, Matthew Brown, counsel for Yelp, sent me copies of  
20 the written discovery requests that Cats and Dogs served on Yelp. The discovery requests  
21 consisted of 21 requests for production of documents and 21 interrogatories.

22 8. Since my first meeting with Mr. Levitt, my office has spoken with dozens of  
23 potential clients and has organized two large meetings of business owners who were interested in  
24 participating in the Yelp investigation.

25 9. To date, my office has spent approximately 120 hours on Levitt's case against  
26 Yelp.

1 10. I graduated from San Francisco Law School in 1977 and immediately went into  
2 private practice. I have extensive trial experience. In 1978, I went to work for the San Francisco  
3 District Attorneys' Office as a trial lawyer. During the five years in which I worked for the  
4 DA's office, I completed 50 criminal jury trials to verdict. Since leaving the DA's office, I have  
5 participated in approximately 50 trials more trials to verdict where I was the lead counsel for one  
6 of the parties. In sum, I have participated in at least 100 jury trials as lead counsel and have over  
7 33 years of litigation experience.

8 11. My law firm is committed to taking on contingency fee cases and we have  
9 successfully prevailed in some notable decisions described herein. For example, in *Horsford v.*  
10 *Board of Trustees of California State University*, 132 Cal.App.4th 359 (2005), having filing a  
11 complaint in 1995, my office recovered a multi-million dollar victory after a jury trial in 2000  
12 and a subsequent appeal in 2005. In addition, in *Baily v. Foodmaker*, Case No. A036667, I  
13 successfully secured a million dollar verdict after my office carried all of the expenses and tried  
14 the case in the Alameda County Superior Court. With regard to consumer class actions, I  
15 litigated a nationwide class action entitled *David Fiol v. Philips Electronics North America*  
16 *Corp.*, Marin County Superior Court No. CV 040457. In that case, my law firm was named class  
17 counsel and the class was certified. We successfully secured a settlement on terms that favorably  
18 impacted every member of the class. Most recently, my law firm has been pursuing a case  
19 entitled *Haynes v. EMC Mortgage Corporation, et al.* That case, which alleges violations of  
20 California's unfair competition laws and the California Consumer Legal Remedies Act, is  
21 currently pending before the Alameda County Superior Court.

22 12. I have been and will be acting as co-lead counsel in *Levitt v. Yelp! Inc.* with David  
23 Ongaro.

24 13. My office, Murray & Associates, is located in San Francisco, California.

25 14. Murray & Associates routinely takes on contingency and plaintiffs' class action  
26 cases. Murray & Associates has and is willing to dedicate resources, in the form of attorney and  
27 law firm hours and costs to litigate Levitt's class action against Yelp.

